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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

### SUPPLEMENT

#### (SUPLEMENTO)

#### GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

#### ORDER

EDN/130/PRM/66

Government is pleased to approve the enclosed Primary School Teachers Code for the Government Primary Teachers of the Union Territory of Goa, Damam and Diu.

The Code will come into force from the date of publication in the Government Gazette.

By order and in the name of the Administrator of Goa, Damam and Diu.

R. K. Gupta, Deputy Secretary (P).

Panjim, 4th July, 1966.

#### Primary School Teachers Code

##### CHAPTER I

##### Introduction

Article 1 — This Code shall be called Primary School Teachers' Code or briefly P. S. T. Code.

Art. 2 — The provisions of this Code shall be applicable to all Government primary teachers working in Government Primary Schools of this Territory of Indian Union. The provisions supplement the Government Servants Conduct Rules and should not, in any case, detract from them.

##### CHAPTER II

##### Teacher and School

Art. 3 — The primary school teacher shall try to inculcate in the pupils a deep love for the Nation and a profound respect to the principles laid down in the Constitution.

Art. 4 — He shall give equal treatment to all the pupils in his charge with affection and shall try to inculcate in them love and habit of work, tenderness of sentiments, politeness and courtesy in behaviour.

Art. 5 — He shall take every care of his pupils' health and wellbeing even by calling attention of health authorities wherever such need arises.

Art. 6 — He shall be responsible for inculcating in his pupils habits of cleanliness and neatness and respect for orderly behaviour and participate in activities organised for the purpose.

Art. 7 — He shall be primarily responsible for the efficient and effective education including physical education of the pupils in his charge.

Art. 8 — He shall attend the school punctually, be present in the school during the appointed school hours and devote his whole attention to teaching or class-work and shall not do any private or official work during these hours except that on the last day of the month, some time will be devoted to completing the registers for the month ending and writing out the registers for the ensuing month and preparing such other monthly registers or reports as may be required by the head teacher.

Art. 9 — The school timing will be as follows: —

8-30 a. m. to 12-00 noon and 2-30 p. m. to 5-00 p. m.

or shift system

7-30 a. m. to 12-30 noon and 1-00 p. m. to 6-00 p. m.

Art. 10.—The teacher shall be present in the school at least ten minutes before the commencement of the school time and the teacher with his students shall sing the National Anthem «Jana Gana Mana». He shall observe and make his students observe the correct attitude of standing to attention while singing the National Anthem.

Art. 11.—He shall take roll-call at the expiry of the first period or hour in each session in the morning and in the afternoon.

Art. 12.—He shall make all possible efforts to improve the attendance in his school.

Art. 13.—He shall try to get perfection in teaching and knowledge securing thereby the highest efficiency in his profession.

Art. 14.—He shall strive to raise the prestige of his school by making it a model organisation with good discipline, and morale which would secure respect from the people.

Art. 15.—He shall approach the children's parents and guardians with sympathy and affection so that the education of the pupils would improve due to their co-operation.

Art. 16.—He shall maintain cordial relations and avoid any possible trouble with the families of his pupils in order to build up better co-operation between the school and the people.

Art. 17.—He shall be responsible for ensuring that the school property of every description is properly cared for and for keeping the school premises clean and tidy. Any damage done to the school property shall be reported to the Zonal Inspector.

Art. 18.—He shall be responsible for keeping accurately and neatly the school registers and records.

Art. 19.—He shall promote communal harmony and good-will among his pupils and see that no disability of any kind is imposed on any pupil on the ground of his caste or community.

Art. 20.—The teacher shall not ask any pupil to do his private work. The pupil may be asked to work for the maintenance of the cleanliness of the premises of the school, but such work shall not cause obstruction the study of the pupils.

Art. 21.—No teacher or pupil shall reside in the premises of the school unless specifically permitted by the Director of Education.

Art. 22.—The teacher shall see that non-authorised books, charts, pictures and guides are not used in the school.

Art. 23.—The teacher shall normally reside in the village where the school is located within a distance of 3 Kms. from the school. In exceptional cases, the teacher may live outside the village with the prior written permission of the Zonal Inspector.

Art. 24.—The roll call shall be filled in ink only. The head teacher shall verify the entries. The roll call shall be signed by the teacher every day.

Art. 25.—The teacher shall keep the school documents in proper order. In case of his transfer, suspension, or removal from duty, he shall hand over the documents to his successor or the Zonal Educational Inspector. Under no circumstances shall he destroy or take away the documents in his possession.

Art. 26.—The teacher should pay utmost attention to personal cleanliness and hygiene. He shall invariably be well dressed.

Art. 27.—The teacher shall be meticulously punctual. The classes shall be conducted with clock work regularity. He shall be fully prepared for teaching his lessons.

Art. 28.—The teacher shall avail himself of casual leave and similar concessions only when absolutely necessary.

Art. 29.—The teacher shall be absolutely impartial and fair to all students. No consideration of caste, sex, creed or economic status of the student shall influence him in the discharge of his duties.

Art. 30.—The teacher shall work in a true democratic spirit whenever he is engaged in extra activities such as the V. S. Committee etc.

Art. 31.—The teacher shall not be in receipt of any benefit monetary or otherwise from his students.

Art. 32.—The teacher shall in no case adversely comment on the work or conduct of his colleagues or superiors in the presence of his students.

Art. 33.—The teacher shall not ventilate his personal grievances to the students or the villagers. He shall seek the redress of his grievances constitutionally without seeking the sympathy and support of his students or the villagers.

Art. 34.—The teacher shall not do any thing which will create a split amongst the students.

Art. 35.—The teacher shall exercise utmost restraint in talking to his students about himself, his work and achievements.

Art. 36.—The teacher shall not seek cheap popularity amongst students by resorting to means unbecoming to the dignity of the Institution and the teaching profession.

#### Teachers' Conduct, Discipline and Appeal Rules

Art. 37.—No teacher shall accept direct or indirect gift, prize, etc., without the permission of the competent authority.

Art. 38.—No teacher shall accept any remunerative appointment without the prior approval of Government.

Art. 39.—A teacher may take part in educational and cultural activities of the village.

Art. 40.—No teacher shall conduct any private class or coaching class or give tuitions or teach in a private school with or without remuneration.

Art. 41.—No teacher shall collect funds without previous sanction of the competent authorities.

Art. 42.—No teacher shall publish any material or articles without previous permission in writing from competent authorities except literary or scientific literature.

Art. 43.—No teacher shall give any evidence or present himself before any commission as a witness, without previous permission of any authority empowered by law.

Art. 44.—No teacher shall answer any criticism made against him in news papers or in any publi-

cation without the permission of competent authorities. Nor shall he write any articles or letters to the press criticising the Govt. or Education Department directly or indirectly.

Art. 45 — No teacher shall join any Association or Union of Teachers and others or take part in the activities of any such body unless the Association or Union is recognised by Government.

Art. 46 — The primary teacher shall not participate in the propaganda of political parties or communal societies.

Art. 47 — The teacher shall abstain from taking active interest in any political or communal organisation or from canvassing in support of any candidate in any election.

Art. 48 — The teacher shall not propagate the view of any political party or any creed within the confines of the Institution.

Art. 49 — The teacher shall not take part either directly or indirectly in public or private manifestations against Govt.

Art. 50 — Lack of respect and courtesy on the part of the teacher either overtly or covertly towards higher authorities shall be deemed an objectionable behaviour and punished in accordance with the provisions of this Code.

Art. 51 — Any indecent, objectionable and immoral behaviour on the part of teacher within or outside the school premises, shall be punishable under the provisions of this Code.

#### CHAPTER III

##### Teacher and People

Art. 52 — Besides the sympathetic approach and cordial relations with the pupils' parents, guardians and families, the primary school teacher shall maintain exemplary behaviour in the society deserving thereby consideration and respect of the people.

Art. 53 — He shall induce the parents of children to get their children enrolled in the school and to attend the school regularly.

Art. 54 — He shall establish personal contact with parents of the children who are not attending the school, enquiring about the cause of their absence of irregular attendance, and inducing them to cause their children to attend his school regularly.

Art. 55 — The teacher during his teaching hours shall not receive visits from people having no connection with the service.

Art. 56 — Inspecting authorities, Municipal/Village school Committee members, honourable dignitaries may be allowed to visit the school. No other person shall be allowed to visit the school.

Art. 57 — Parents or guardians may be allowed to visit in particular to see the progress of their pupils or the general mode of teaching or studying.

#### CHAPTER IV

##### Teacher and the Headmaster

Art. 58 — The headmaster of the school shall be the only authority through whom the teacher is allowed to correspond with an official authority on

matters relating directly or indirectly to his professional duty.

Art. 59 — In case the teacher is the only teaching agent in a school considered as a separate unit in a particular place, he shall be deemed to have been vested with all powers of a Headmaster, unless otherwise determined by the Director of Education.

Art. 60 — In every matter related to the school activities, the Headmaster shall have a right to ask for co-operation of the school teachers who shall work in a team-spirit.

Art. 61 — In seeking co-operation from his teachers, the Headmaster shall not observe any partiality nor purposely overlook some personal difficulties or special circumstances in which a teacher is found placed at a particular time. The Headmaster shall take into account all these circumstances while seeking co-operation from his staff members and call for a written justification in the event of a teacher failing to give co-operation.

Art. 62 — The teacher shall extend full co-operation sought by the Headmaster, especially during enrolments, examinations, co-curricular and extra-curricular activities of the school, as well as in celebration of national festivals and ceremonies on behalf of the school.

Art. 63 — The refusal to co-operate with the Headmaster in the circumstances stated in the previous article, shall be considered highly objectionable and punishable as such under the provisions of this Code.

Art. 64 — No school activity whether co-curricular or extra-curricular shall be organised and carried out by any teacher or teachers without prior knowledge and consent of the Headmaster of the school concerned.

Art. 65 — The activities referred to in the previous article shall concern all students of the school and not a particular group of students.

Art. 66 — The Headmaster shall not give his consent to any activity of a political, communal, or religious nature, i. e. meetings, propaganda, ceremonies of such nature, to be organised by the local people or by his teaching staff member or members, in the school premises and its dependent surroundings. He shall not permit the use of the school premises, except with the permission of the Director of Education, for any activity not related to the school.

Art. 67 — Any controversies arising between the Headmaster and other teachers or between some teachers and others, on the school activities, shall not be allowed to be discussed with persons having no relation with the school work. Such controversies shall be discussed among the teachers only, and in case of there being no possibility of any accord the decision taken by the Headmaster shall be final. The teachers may, however, request the Headmaster to submit the issue for consideration of higher authorities if they are not satisfied with the decision.

In that case the Headmaster shall submit the issue for resolution by the Inspecting Officer concerned.

Art. 68 — All meetings held by the school staff shall normally be presided over by the Headmaster. In his absence they shall be presided over by any other member elected by the school staff.

Art. 69 — In the absence of the Headmaster the seniormost trained or qualified teacher shall be the acting Headmaster.

Art. 70 — There shall be periodical meetings of the staff members, preferably monthly, held in the evening of the last working day of the school. In these meetings procedures on teaching and difficulties encountered in teaching shall be discussed and decisions taken. The minutes of these meetings shall be recorded in a special book kept for the purpose and will be made available at the time of inspection.

Art. 71 — It shall be the duty of the Headmaster:

- 1) To observe, execute and make the staff members execute the relevant rules and regulations and orders of higher authorities received from time to time.
- 2) To administer the school and represent it officially.
- 3) To sign the correspondence of the school.
- 4) To co-ordinate the work of the staff members and to establish harmony among them by his sympathetic approach and careful guidance.
- 5) To superintend the school activities.
- 6) To organise and keep the school records and various registers in his charge, and make other members of the staff keep them in their charge.
- 7) To submit the monthly and annual reports on his school.
- 8) To send the higher authorities the returns in accordance with the rules and regulations in force.
- 9) To promote and organise benevolent funds such as «Caixa de Beneficência Escolar», in order to help the poor and needy students.
- 10) To promote and organise festivals, picnics, excursions and school exhibitions.
- 11) To report to the higher authorities any irregularity that has taken place or is expected to take place in the school the removal of which does not fall under his purview, and furnish the necessary information thereof.
- 12) To keep the children's parents or guardians informed of their children's or wards' behaviour and progress in the school, and to secure their co-operation for the benefit of the school and the students.
- 13) To maintain the attendance of the staff members, and take necessary action in case of their absence.
- 14) To offer remarks on the matters referred to him.
- 15) To communicate to the higher authorities the date of joining and leaving of the staff members.
- 16) To take immediate steps demanded by his duty, so that the school work may not suffer.
- 17) To intimate to the sanitary authorities regarding the improvement, if any, of the sanitary conditions of the school.
- 18) To sign all school books and registers.
- 19) To keep up to date all books and registers in his charge.

Art. 72 — As regards the Nos. 10) and 11) of the previous article no collection of money shall be made

without the prior approval of the Director of Education.

Art. 73 — The headmaster shall see to it that proper accommodation is secured for the school children, soon after their enrolment is over. He shall arrange and try to secure good accommodation for the children with the help of his staff members and the Village School Committees which shall have the special responsibility to help the Headmaster to secure the accommodation needed.

Art. 74 — The Headmaster shall report to the appropriate higher authorities well in advance about the needs, if any, concerning the repairs of the school buildings.

Art. 75 — The headmaster shall see to it that the school furniture, teaching aids and other materials are adequately supplied to the school. In case they are not, he shall report to the authorities concerned about the felt need.

Art. 76 — The headmaster shall take every care of the school building, furniture material, teaching aids, etc., which shall be his responsibility. He may, however, after consulting the staff meeting, pass on that responsibility to any other member of the staff, or to different members, by prior consent of the person or persons concerned.

Art. 77 — Notwithstanding anything said in the previous article, the final responsibility shall be that of the Headmaster before the higher authorities. A dead stock register shall be kept by him of the articles received.

Art. 78 — The headmaster shall be responsible for supplying material and teaching aids to different teachers according to their needs. He shall therefore see to it that, in case the responsibility is passed on to other teachers, the latter regularly supply the articles to the teachers who are in need of them.

Art. 79 — In case there are surplus articles or some are broken or become otherwise unserviceable this fact shall be immediately communicated by the headmaster to the authorities concerned for further necessary action.

Art. 80 — The headmaster shall organise the school library and keep a library book register, and shall promote its use among the children. He may entrust this activity to a suitable member or members of the staff, under his own responsibility. This should be decided in the meeting of the staff members held for the purpose.

Art. 81 — The headmaster shall assure himself of the safety of the school building and material, before leaving it after the day's work is over, or if he leaves earlier he must place it under the care of other teachers still working there. In such case the other teachers shall be responsible for the safety of the school premises and material and therefore shall not leave the school without assuring themselves of their safety.

Art. 82 — All duties and responsibilities assigned to the teachers in general shall be applicable to the Headmaster, who shall have the special responsibility of guiding the village people towards better understanding between them and the school.

Art. 83 — In short the Headmaster shall strive to make his school a model school, by making himself

and the staff members behave and work in an exemplary manner in the school and society.

Art. 84 — The headmaster shall be responsible for presenting the school records, registers, files, returns, etc., on demand by the Inspecting Officers or other higher authorities, during inspection of the school. In case it is not possible for him to stay in the school throughout the day for any reason, it shall be his responsibility to see to it that all the data, files, school records, registers, etc., as well as all the necessary information about the school are easily available during his absence, to the inspecting officers.

Art. 85 — The leaves and absences of the Headmaster and the teachers shall be sanctioned in accordance with the general pertinent rules and regulations applicable to the Government primary teachers.

Art. 86 — The teacher give his very best to students. He should extend his whole-hearted co-operation to other teachers and to the Headmaster for the realisation of the ideals of the school.

Art. 87 — The headmaster shall obtain the prior permission of Director of Education for the functioning of the school in shift.

#### CHAPTER V

##### The School Staff and the Village School Committee

Art. 88 — The teacher of the local primary school selected to be the Secretary of the Village School Committee, shall act as Secretary without allowing the school work to suffer in any way.

Art. 89 — The headmaster shall inform the Village School Committee on the material needs of the school, specially on the accommodation problem and enrolment of the maximum possible number of school going age children of the school area in his school, and secure its help.

Art. 90 — Any acts disturbing the smooth running of school activities and the negligence of duties of the staff members towards the Village School Committee, or any of its members, shall be immediately communicated to the higher authorities by the Headmaster for necessary action.

Art. 91 — All the information sought by the Village School Committee regarding the time table, staff, text books, furniture etc., shall be supplied to it by the Headmaster, who shall secure its co-operation in every matter specified in the pertinent Government Order.

#### CHAPTER VI

##### Teachers, Headmaster and Higher Authorities

Art. 92 — The Government primary school teacher shall not correspond directly with higher authorities in official matters directly or indirectly relating to his professional duties. The proper channel for his correspondence with higher authorities is through the Headmaster of the school.

Art. 93 — In case there are complaints against the Headmaster, such complaint addressed to the authority concerned shall be handed to the Headmaster against receipt and a copy thereof shall be forwarded to the higher authority concerned for necessary enquiry. In such a case the Headmaster shall forward

the complaint immediately to the authority concerned with his statement thereon.

Art. 94 — The headmaster shall correspond directly with the Block Development Officer of his area and or with the Zonal Inspectorate of Education concerned, as the case may be. He is not allowed to correspond directly with the Director of Education or any other higher authority on official matters.

Art. 95 — The teachers shall assist the head teacher and the Assistant District Educational Inspector in the work pertaining to the census of children and collection of census statistics and serve attendance notices if so required by the head teacher.

Art. 96 — All correspondence shall be carried on by the head of the school. All the applications, reports, statement, statistical information etc., shall be sent to the Zonal Inspector through the Head of the school. Correspondence if any, addressed to Education Department shall be routed through the Zonal Inspectorate.

Art. 97 — The headmaster and in his absence the head teacher shall be prompt in the redress of students' grievances and in so far as they pertain to his sphere, he should report the grievances to higher authorities.

Art. 98 — The school wishing to have picnics, excursion entertainment programmes where public will be invited, shall take prior permission of the Zonal Inspector.

#### CHAPTER VII

##### Admissions of pupils, Punishments, Promotions

Art. 99 — The teacher shall not inflict corporal punishment on his pupils.

Art. 100 — The teacher shall allow his students full freedom in their academic work and in the expression of their views. He should not be sarcastic or repressive in any way towards the students. The teacher should not aim at control over students through fear of disciplinary action. The teacher should be able to influence the conduct of his students by his learning, his devotion to work, his truthfulness, humility and above all by his love for the students.

Art. 101 — The academic year will consist of 2 terms:

- 1) The arrangements of school terms should be as under: —
  - i) First term from 5th June to 11th October.
  - ii) A three weeks' break generally from about the 16th October to 6th November, but to be shifted, when necessary, to fit in with the Diwali festival.
  - iii) Second term from the 3rd November to 22nd April, with mid-term break from the 24th December to 2nd January, Schools may, however, have this break in January if they find that month more convenient for camping and similar activities.
  - iv) Summer vacation from the 28th April to 4th June. The annual examinations should begin about the 4th April and the results declared before the schools



close for the summer vacation. The dates given above are approximate only. In practice, schools should re-open for the new academic year around the 5th June, the actual date in any year being fixed so as to coincide with the Monday nearest to the 5th June. The last working day of the preceding academic year should be fixed so that a vacation of 6 weeks is available upto the re-opening date in the new year.

Art. 102 — During the term, schools may observe as holidays the Public Holidays notified for the District concerned and in addition, at their discretion, not more than ten Holidays in a year to suit local festivals etc. Every school shall send, at the beginning of the school year, a list of the holidays to be observed for local festivals to the Zonal Educational Inspector.

Art. 103 — There will be in all three quarterly examinations and a Final Examination.

Art. 104 — The enrolment of the pupils will be made from 25th May to 4th of June. The registration is to be made once only while admitting the student. The following documents will have to be submitted at the time of registration: —

- 1 — Vaccination certificate.
- 2 — Age certificate (In the absence of age certificate, horoscope or affidavit will be permitted).

Art. 105 — Every application for admission should be made to the Head of the school by the parent or guardian of the candidate either in person or by letter.

Art. 106 — The leaving certificates will be issued by the Headmaster within a week from the date the application is made by the guardian of the pupil to the school.

Art. 107 — No school shall admit a pupil without a leaving certificate from the last recognised school which he has attended. If no leaving certificate is produced on the ground that the pupil has not previously attended such a school, a certificate to that effect should be obtained from the parent or guardian.

Art. 108 — If an applicant states that a leaving certificate from the last school attended has been refused to him, the Head of the new school will intimate to the Head of the former school that the pupil seeks admission to his school and if within ten days he receives no satisfactory explanation of the omission to give a leaving certificate, he will be entitled to admit the pupil and report the circumstances immediately to the Zonal Inspector who will inquire into the case.

Art. 109 — No child suffering from a contagious disease shall be permitted to attend the school, until a medical certificate is produced that the child is free from infection.

Art. 110 — No fee shall, in any circumstances, be charged for a leaving certificate.

Art. 111 — Only the pupils who complete five and a half years of age on or before 31st of July can be admitted to the school. Pupils below that age cannot

be admitted. Students of more than 14 years of age cannot be admitted to primary schools. If a student completes 14 years of age in the course of an academic year, he will be allowed to complete the course in that year in the school.

Art. 112 — Every student will be allowed to complete one standard per year. Accelerated promotion will not be given in the middle of the year. But a student who is advanced in age may be permitted to appear for the annual examination of the class he is studying in the school and the next higher one simultaneously, with the prior permission of the Zonal Inspector. A pupil who appears for the annual examination of both the lower and immediate higher examination and passes in both the examinations will be promoted to higher standard.

Art. 113 — If a student migrates from another school, he will be admitted on the strength of the Leaving Certificate. But if the student has not studied in any school, he will be admitted after due test, to the standard, for which he is found fit, keeping in view that the student should complete one standard per year. The answer papers will have to be submitted to the Zonal Inspector and the pupil will be admitted to the school after the sanction of the Zonal Inspector.

Art. 114 — Transfer of pupils from one school to another in the same locality will ordinarily be permitted only within the first two months of the beginning of the scholastic year. In special circumstances the Director of Education may permit such a transfer even after the lapse of two months from the beginning of the school year.

Art. 115 — Every school shall follow the syllabus prescribed and the text books sanctioned by the Director of Education.

Art. 116 — The name of a student absent for one Calendar month without proper justification shall be removed from the roll. In case he/she is to be readmitted to the school, his/her guardian shall obtain permission of Director of Education.

Art. 117 — A school of standards I-VII will have one common Headmaster. The headmaster of such a school shall necessarily be teaching in the Middle Section of the school.

Art. 118 — A student must necessarily secure 35% marks in each subject both in written and oral examinations in order to pass a particular standard.

Art. 119 — If a student obtains less than 35% marks in a subject or subjects the average of his marks should be 35%, but the marks scored in the failed subject or subjects must not be below 25% marks.

Art. 120 — The answer papers and the marks sheets of the final examination shall be preserved in the school.

Art. 121 — The teachers appointed in the schools shall be at least the holders of P. S. C. with 50% marks or S. S. C. through the medium which is his medium of teaching.

Art. 122 — A guardian of a student has the right to apply to the Director of Education on payment of a fee of Rs. ten for the verification of the marks obtained by his ward in the Annual Examination. The verification will consist of totalling of marks and examining if any question was left out unexamined.

The person appointed by Director of Education for revision of papers will not judge the evaluation done previously unless it is totally faulty.

Art. 123 — Teaching in Stds. I-IV shall be done by teachers who shall teach all the subjects of their classes.

Art. 124 — In general, teacher pupil ration will be 1: 40. But it will not be brought below 1: 30 where there are two or more teachers in a school.

Art. 125 — School is a temple of learning. The teacher's main function is to ensure that students develop love for knowledge and that they develop gradually the powers of independent thinking.

Art. 126 — The teacher shall not readmit students who have completed their primary course in one medium in order to study through another medium.

### Legislative Assembly of Goa, Daman and Diu

#### Legislature Department

LA/1425/66

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

### The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1966

(Bill No. 8 of 1966)

A Bill to amend the Goa, Daman and Diu Excise Duty Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth year of the Republic of India as follows:

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette appoint.

2. Amendment of section 22. — In section 22 of the Goa, Daman and Diu Excise Duty Act 1964 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted—

«(3) All rules made under this Act shall be published in the Official Gazette and shall be laid on the table of the Legislative Assembly at its first session immediately after they are made and shall be subject to such modifications as the Assembly may make during the session in which they are so laid and the one immediately following».

3. Insertion of new section 29-A. — After section 29 of the principal Act the following section shall be inserted namely:—

«29 A. Powers of certain officers to close liquor shops.

It shall be lawful for the District Magistrate or a Sub-Divisional Magistrate by notice in writing to the holder of a licence or his agent to require that any shop in which liquor is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace.

If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any Magistrate or for any Police Officer not below the rank of Inspector who is present, to require such shop to be kept closed for such period as may be necessary».

4. Insertion of new section 36-A. — After section 36 of the principal Act the following section shall be inserted, namely:—

«36-A. Cognisance of offences: (1) No Court shall take cognisance of an offence under this Act or under the rules made thereunder other than an offence under section 34 except on complaint made by the Commissioner or any other officer authorised by him either generally or specially in writing.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act or the rules made thereunder».

5. Insertion of new section 39-A. — After section 39 of the principal Act, the following section shall be inserted, namely:—

«39A. Power of Commissioner to compound offences: (1) Subject to such conditions, if any, as may be prescribed, the Commissioner may accept from any person alleged to have committed an offence under this Act or under any rules made thereunder other than an offence under section 34, either before or after the commencement of any proceedings against such persons in respect of such offence, by way of composition for such offence, a sum not exceeding two thousand rupees.

(2) When compounding of an offence is accepted the power to confiscate the goods seized under this Act in respect of such offence shall be vested in the Commissioner.

(3) On payment in full of such sum as may be determined by the Commissioner under sub-section (1),—

(a) no proceedings shall be commenced against such person as aforesaid; and

(b) if any proceedings have been already commenced against such person as aforesaid, such proceedings shall not be further proceeded with».

#### Statement of Objects and Reasons

1. The first Report of the Committee on Delegated Legislation of the Legislative Assembly of Goa, Daman and Diu had recommended a provision in the enactments making it obligatory for the rules made under them to be laid before the Assembly to empower it to make modifications in the rules during the Session in which they are so laid or the Session immediately following. In accordance with this recommendation, a suitable provision is made through this amending Bill to the Excise Duty Act, 1964.

2. For preservation of law and order, it is necessary that any shop in which liquor is sold is closed for any required time. Omission in the Excise Duty

Act, 1964, about this provision usually contained in all the legislation of this type elsewhere in the country is sought to be rectified through this amending legislation.

3. In order that a proper control is exercised on proceedings and that no prosecution is initiated in the Court without giving opportunity to the accused to compound the offence and that the offences are tried by First Class Magistrates and above, a new section is proposed to the Excise Duty Act.

4. As is prevalent in Acts of a similar nature in other States, compounding of offences is provided for in this amending legislation to avoid each and every case of offence committed under the Excise Duty Act requiring to be filed before the Court without an alternative.

Panjim

July 12, 1966.

D. B. BANDODKAR

Chief Minister

ASSEMBLY HALL P. B. VENKATASUBRAMANIAN

Panjim,

July 14, 1966.

Secretary to the Legislative Assembly  
of Goa, Daman and Diu.

LA/1428/66

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

**The Goa, Daman and Diu Judicial Commissioner's  
Court Regulation (Amendment) Bill, 1966**

(Bill No. 9/1966)

A Bill to amend the Goa, Daman and Diu Judicial Commissioner's Court Regulation 1963.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Goa, Daman and Diu Judicial Commissioner's Court Regulation (Amendment) Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government of Goa, Daman and Diu may, by notification in the *Official Gazette* appoint.

2. **Amendment of section 7.**—In section 7 of the Goa, Daman and Diu Judicial Commissioner's Court

Regulation, 1963, for the existing sub-section (1), the following sub-section shall be substituted:—

«(1) Save as provided by this Regulation and subject to such orders as the Judicial Commissioner may make, as regards the distribution of business between himself and the Additional Judicial Commissioners, the jurisdiction of the court of the Judicial Commissioner may be exercised by the Judicial Commissioner or by any Additional Judicial Commissioner.

The Judicial Commissioner may with the concurrence of the Administrator make rules for regulating the class of cases in respect of which the jurisdiction of the court shall be exercised by a single member thereof or by a Bench».

**Memorandum on Delegated Legislation**

The Bill seeks to empower the Judicial Commissioner to frame rules so as to determine the class of cases which might be heard by a single judge and the class of cases which have to be heard by a Bench. The proposed delegation is of a normal character.

**Statement of Objects and Reasons**

Section 7 of the Goa, Daman and Diu Judicial Commissioner's Court Regulation, 1963 provides that when the court consists of a Judicial Commissioner and one or more Additional Judicial Commissioners, the jurisdiction of the Court shall be exercised by a Bench consisting of all the Judges of the Court. Consequently if one Judge happens to be absent it results in the court not being able to function. Another consequence is that even for the most trifling matter all the judges have to sit together.

2. This results in delay in the disposal of cases.

3. It is, therefore, proposed to amend the Regulation so as to empower the Judicial Commissioner to frame rules by which provision can be made for a single judge to dispose of such category of cases as may be specified by the rules. This would enable a single judge to pass orders in appropriate cases and would make for speedier despatch of business.

4. The Bill seeks to give effect to the above object.

5. Previous sanction of the Administrator under section 22 of the Government of Union Territories Act, 1963 for introduction and moving of this Bill has been obtained.

Panjim,

July 14, 1966.

TONY BERNANDES  
Minister for Law

ASSEMBLY HALL P. B. VENKATASUBRAMANIAN

Panjim,

July 14, 1966.

Secretary to the Legislative Assembly  
of Goa, Daman and Diu.